

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM  
and  
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.2945 of 2001

1.A.Mahalingam

2.R.Sarvalingam

3.Kathirvel

4.Samiyathal

5.R.Palaniappan

6.S.Rajendran

7.E.K.Govindaraju

8.Gangadevi

9.R.Sampathkumar

10.S.Mohan

11.R.Thangamani

.. Appellants/Petitioners

Vs.

1.The State of Tamil Nadu

rep. by its Secretary to Government,  
Housing and Urban Development  
Department, Fort St. George,  
Chennai-600 009.

2.The Special Tahsildar,

( Land Acquisition)  
Neighbourhood Scheme,  
Erode District.

.. Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent  
against the order dated 19.11.2001 made in W.P.No.21622 of 2001.

**W.P.No.21622 of 2001:-** Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the entire records relating to G.O.Ms. No.73 dated 19.3.1997 containing notice under Section 4(1) of the Land, Acquisition Act and GO.Ms.No.209 Housing and Urban Development Dept dated 12.6.1998 containing declaration under section 6(1) of the Land Acquisition Act and quash the same in so far as the petitioners 1 to 11 are conserved in S.Nos.485/1 and 486/1 and 2. Consequently direct the respondents not to interfere with the petitioners peaceful possession and enjoyment of the property situated in S.Nos.484/1 and 486/1 and 2 in Kasipalayam Village, Erode District.

For Appellants : Mr.C.Prakasam

For Respondents : Mr.M.Dhandapani,  
Addl. Government Pleader

#### JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the order of the learned single Judge dated 19.11.2001 made in W.P.No.21622 of 2001, the appellants 1 to 11 have filed the above appeal.

2. All the 11 appellants-petitioners, aggrieved by the impugned acquisition proceedings initiated by the Housing and Urban Development Department, have filed W.P.No.21622 of 2001. The learned single Judge, after finding that the said writ petition came to be filed after passing of the award and taking note of the decision of the Apex Court in 2001 (1) Supreme court 146 (THE MINICIPAL COUNCIL, AHMED NAGAR AND ANOTHER VS. SHAH HYDER BOIG AND OTHERS), dismissed the writ petition.

3. Heard the learned counsel appearing for the appellants as well as the respondents.

4. It is not in dispute that in the case on hand, after following the procedures, award was passed on 21.06.2001. However, the writ petitioners have filed the writ petition on 06.11.2001 i.e. well after passing of the award. It is also not in dispute that based on the series of the decisions of the Supreme Court, the Division Bench of this Court in 2005 3 CTC page 1 (RAMALINGAM AND OTHERS VS, THE STATE OF TAMIL NADU, REP. BY SECRETARY TO THE INDUSTRIES DEPARTMENT, FORT ST. GEORGE, CHENNAI-9 AND OTHERS) and 2005 3 CTC page 691 (S.HARSHAVARDHAN AND ANOTHER VS. STATE OF TAMIL NADU, REP. BY SECRETARY TO THE GOVERNMENT,

INDUSTRIES DEPARTMENT, FORT ST. GEORGE, CHENNAI-9 AND OTHERS) held that the writ petition filed after passing of the award is not maintainable and liable to be dismissed. In view of the authoritative decisions of this Court, based on the judgments of the Supreme Court, we are of the view that the decision taken by the learned single Judge cannot be faulted with. Accordingly, the appeal fails and the same is dismissed. No costs.

5. Considering the grievance expressed by the appellants, they are free to make a representation to the Government highlighting their status and income for exclusion of their lands. If any such representation is not already made, they are permitted to make such a representation within a period of four weeks from the date of receipt of a copy of this order. If any such representation is made, the first respondent-Government is directed to consider and dispose of the same in accordance with law within a period of 12 weeks thereafter.

raa

Sd/  
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,  
State of Tamil Nadu  
Housing and Urban Development  
Department, Fort St. George,  
Chennai-600 009.

2.The Special Tahsildar,  
( Land Acquisition)  
Neighbourhood Scheme,  
Erode District.

3. The Section Officer,  
VR Section,  
High Court, Madras.

+ 1 cc to Mr.C. Prakasam, Advocate SR No.26854

+ 1 cc to Government Pleader SR No.26727

JE (CO)  
SR/4.7.2006

W.A.No2945 of 2001